

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

SEPTEMBER 29, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Richard Headley, D.V.M. – Chair
Patricia Kovach, D.V.M. – Vice Chair
Robin Waltz, D.V.M.
Susan Pedigo, R.V.T.
Frank Andrew, Consumer Member
Bret Marsh, D.V.M., State Veterinarian

Board Members Absent:

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA AS AMENDED

A motion was made and seconded to adopt the agenda as amended.

ANDREWS/WALTZ

Motion carried 4-0-0

*Ms. Pedigo was not present for the vote

III. ADOPTION OF THE MINUTES FROM THE JULY 28, 2010 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the July 28, 2010 meeting of the Board.

KOVACH/ANDREWS

Motion carried 4-0-0

*Ms. Pedigo was not present for the vote

IV. APPEARANCE

A. Indiana Veterinary Medical Association Re: ECFVG and PAVE Programs

Lisa Perius, Executive Director, appeared at the Board's request, regarding their position with the ECFVG and PAVE programs. She stated there is much debate regarding the differences of the two programs. The IVMA does support the ECFVG program. Currently the AVMA is reviewing the PAVE program. The AVMA has placed a presentation regarding the history of educational evaluation at www.avmatv.org.

Dr. Marsh stated the AVMA is also looking into accreditation of the Caribbean veterinary schools and that there are site visits scheduled in the near future. He also indicated the stateside schools will be increasing their enrollment by 20% in 2011 except for Michigan State.

V. APPEARANCES

A. Probation

1. Robert David Brunner, D.V.M., License No. 24003969A Administrative Cause No. 2009 VB 0003

Dr. Brunner appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Brunner stated he had completed his community service with Habitat for Humanity as ordered by his court probation. Dr. Brunner is currently on a Deferral Agreement in Hamilton Superior Court for a period of one year from February 19, 2010. He is expected to have all requirements completed by February 19, 2011. Dr. Brunner stated that things are going well and there have not been any further problems.

B. Renewal

There were no renewal appearances before the Board.

C. Applications

1. Natasha Rose Anik, R.V.T.

Ms. Anik did not appear as requested. The Board reset this matter for December 1, 2010.

2. Michael O. Childress, D.V.M.

Dr. Childress appeared before the Board, as requested, regarding his application for licensure. Dr. Childress answered yes to question 5B on the application that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in 2001 he was charged with driving under the influence. After completion of an alcohol

treatment program and all court requirements the charges were dismissed. Dr. Childress is a 2004 graduate of Virginia Tech. He is currently employed at Purdue University School of Veterinary Medicine as an Assistant Professor. He is seeking licensure in order to do consulting work in Indianapolis. Dr. Childress stated there have been no problems since the encounter in Virginia.

Board action: A motion was made and seconded to grant Dr. Childress a veterinary license upon successful completion of the Indiana jurisprudence examination.

ANDREWS/KOVACH
Motion carried 5-0-0

VI. ADMINISTRATIVE HEARING

1. **John Joseph Sykes, D.V.M., License No. 24007079A**
Administrative Cause No. 2010 VB 0003
Re: Petition to Modify Probation

Parties and Counsel Present:

Respondent was not present nor represented by counsel
David Fleischhacker, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Headley, D.V.M., President (Hearing Officer)
Dr. Kovach, D.V.M.
Dr. Welp, D.V.M.
Ms. Pedigo, R.V.T.
Mr. Andrews, Consumer Member

Case Summary: Petitioner's veterinary license was placed on probation with terms and conditions on or about June 7, 2010 due to alcohol related issues disclosed on his application for veterinary licensure in the State of Indiana. Petitioner is requesting modification of probation. Petitioner has been evaluated by the Indiana Veterinary Medical Association Well-Being Program in June 2010 and was diagnosed with alcohol dependence in remission. State asked if he wants to modify probation or withdraw probation from his license. It is the understanding of the Board's legal counsel that he is asking to withdraw probation. Petitioner stated that he does not plan to practice in Indiana and there for does not feel that he needs to sign a contract with the program. The original order states he may request withdrawal of the terms and conditions of probation imposed on his veterinary license after establishing by means of his wellness evaluation that he does not abuse alcohol or other consciousness-altering substances. Petitioner would like to have probation withdrawn due to the cost and the random drug screenings. State called Candace Backer as a

witness. Ms. Backer stated that she has spoken with the Petitioner several times regarding the program that is being offered to him. An evaluation was completed by Dr. Moe and Mr. Gustafson. They diagnosed Petitioner with alcohol dependence in remission for four (4) years. They have recommended individual counseling, a 12-step Alcoholics Anonymous program, and random drug and alcohol screenings. Ms. Backer stated that the Petitioner agreed to the program, and then decided he wanted to see what other options he may have in this situation. Ms. Backer stated she follows the recommendations from the addictionologist and that Dr. Sykes has been compliant in this process. Petitioner stated he is currently practicing in Ohio and has been since 2008. He said he was aware of the recommendations by the evaluators and that he initially volunteered to enter the program but did not. When asked why by the State, he explained that he applied for licensure in Indiana because of an employment opportunity but did not get the job. Since he did not get the job he will not be practicing in Indiana. Petitioner has not been arrested, drank, asked to leave jobs, used controlled substances or prescription drugs and has had no malpractice judgments or settlements. He would like to have the probation lifted so that it does not cause future problems. State said it is his burden of proof, and recommends the Board modify his probation to the one (1) year term. The Board asked if the IVMA Well-Being Program had a contact in Ohio to comply with the terms. Ms. Backer stated all drug screenings and counseling would be done near his hometown so that would alleviate travel issues for the random screenings.

Board action: A motion was made to lift the probation of Dr. Sykes veterinary license upon receipt of a signed contract with the IVMA Well-Being Program.

Mr. Andrews withdrew his motion.

Board action: A motion was made and seconded to deny Dr. Sykes request for modification of probation and to continue with the current probationary requirements. Dr. Sykes' license will remain on probation.

KOVACH/ANDREWS
Motion carried 5-0-0

2. **State of Indiana vs. Robert Maier, D.V.M., License No. 24006439A**
Administrative Cause No. 2010 VB 0004
Re: Emergency Suspension and Complaint

Parties and Counsel Present:

Respondent was present with counsel, Michael Bishop
Elizabeth Kiefner-Crawford, Deputy Attorney General for the State of

Indiana

Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Headley, D.V.M., President (Hearing Officer)

Dr. Frank, D.V.M.,

Dr. Waltz, D.V.M.

Dr. Kovach, D.V.M.

Dr. Welp, D.V.M.

Ms. Pedigo, R.V.T.

Mr. Andrews, Consumer Member

Case Summary: At this time the State presented a proposed Settlement Agreement to the board. On or about June 7, 2010 Respondent was suspended from employment at VCA Shadeland Animal Hospital in Indianapolis, Indiana (VCA). Police were called to VCA after the owner of a pet Respondent was caring for voiced concerns that Respondent had an odor of alcohol on his breath. Respondent was tested at the scene and registered 0.128 on a portable breath test. Respondent was subsequently terminated from VCA. Respondent is currently enrolled in the Indiana Veterinary Association Well-Being Program with a diagnosis of alcohol dependence. Respondent's contract with the Indiana Veterinary Association Well-Being Program runs for a period of five (5) years. Respondent is currently being monitored through the use of random urine drug screens. Respondent agreed to have his veterinary license placed on indefinite probation with the following terms and conditions:

A. Respondent shall keep the Board apprised of the following information and update it within seven (7) days of any change:

1. Current home address, mailing address, email address, and residential phone number;
2. Place of employment, employment telephone number, and name of supervisor; and
3. Occupation title, work schedule, including the number of hours worked per week.

B. Respondent shall remain in total compliance with all terms of his contract with the Indiana Veterinary Association Well-Being Program;

C. Respondent has a duty to report any relapse to the Board in writing within twenty-four (24) hours of such relapse;

D. Respondent shall provide and have his employer sign a copy of all Board orders imposing discipline or limiting practice within seven (7) days of employment or receipt of this order;

E. Respondent shall cause his employer to submit monthly reports to the Board advising of his professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others for the first year and quarterly thereafter. If Respondent is not employed as a veterinarian he shall complete self reports stating the same.

F. Respondent shall make personal appearances before the Board at each Board meeting for the first year and quarterly thereafter.

G. Respondent further understands that failure to comply with the Board's order may result in the State requesting an emergency suspension of Respondent's license, as well as possible reinstatement of the initial action giving rise to this resolution, an Order to Show Cause as may be issued by the Board, or a new cause of action being filed pursuant to Ind. Code § 25-1-9-4(a)(10), any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license. Respondent further agrees to abide by all statutes, rules, and the laws regarding the regulation of his profession.

H. Respondent shall obey all rules and statutes regarding the practice of veterinary medicine.

I. The parties agree to the continuing jurisdiction of the Board.

J. The Respondent agrees to pay for a copy of the transcript of the presentation of this Agreement to the Board.

K. Respondent shall, pursuant to Ind. Code § 4-6-14-10 (b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the Indiana Office of the Attorney General to the attention of Carri Burke.

The State requested the Board to accept the Proposed Settlement Agreement as written.

Board action: A motion was made and seconded to accept the settlement agreement as presented for Dr. Maier's veterinary license.

ANDREWS/KOVACH

Motion carried 5-0-0

VII. DISCUSSION

A. Rule Readoption

LSA Document #10-412

Re: 888 IAC 1.1-6 Applications for License as a Veterinarian

Administrative rules expire every seven (7) years if they are not readopted by the Board. The rule listed above will expire if not readopted.

Board action: The Board and agency have reviewed the rules, listed in LSA Document #10-412, to be readopted and determined that the proposed rules do not impose any costs on small businesses pursuant to IC 4-22-2.5-3.1(c). A motion was made and seconded to proceed with submitting the final rule document to the Indiana Register

KOVACH/WALTZ
Motion carried 5-0-0

- B. Cathy Crighton, D.V.M., License No. 24006444A**
Cause No. 2006 VB 0006
Re: Notice of Dismissal of Complaint

A Notice of Dismissal of Complaint was filed because Dr. Crighton passed away on July 30, 2010. She had been suspended by the Board since September 24, 2007.

Board action: A motion was made and seconded to dismiss the complaint against Dr. Crighton's veterinary license.

ANDREWS/KOVACH
Motion carried 5-0-0

- C. Continuing Education Audit for Veterinarians and Veterinary Technicians**

The Indiana Professional Licensing Agency has completed the continuing education audits for veterinarians for the renewal period of 2007-2009 and veterinary technicians for the renewal period of 2008-2010. In a report to the Board, there were fifteen (15) veterinarians and nine (9) veterinary technicians randomly chosen for the audit. All veterinary technicians were in compliance. Of the fifteen veterinarians audited, three (3) were found to be in noncompliance. Dr. David Austin was short .5 hours of continuing education, Dr. Deborah Downey was short 40 hours of continuing education and Dr. David Morand was short twenty-two (22) hours of continuing education. According to IC 25-1-4-5 the Board can impose a civil penalty up to one-thousand dollars (\$1,000.00) for noncompliance. In past audits the Board has fined Practitioners short less than one half of the required continuing education or less are fined five-hundred dollars (\$500.00) and practitioners short more than one half of the required continuing education are fined one -thousand dollars (\$1,000.00). Practitioners have twenty-one (21) days from the date of the notice of noncompliance to pay the civil penalty and six (6) months to make up the lacking continuing education.

Board action: A motion was made and seconded to accept the continuing education audit report and to impose fines and penalties as stated.

KOVACH/ANDREWS
Motion carried 5-0-0

- D. John R. Boyce, D.V.M., Executive Director**
National Board of Veterinary Medical Examiners
Re: NAVLE Technical Report

The technical reports the number of examination administered and the pass fail rate for the 2009-2010 administration.

- E. National Board Report**
Re: Newsletter August 2010

The National Board is now emailing candidate permits to NAVLE examination candidates as a cost saving measure.

F. American Association of Veterinary State Boards

Re: Veterinary Regulation News July 2010

The Veterinary Technician National Examination (VTNE) gave the first computerized examination in June 2010.

G. Patient Doctor Relationship

Re: IC 25-38.1-1-14.5

Dr. Waltz asked questions of the Board regarding the meaning of patient-doctor relationship as outlined in IC 25-38.1-1-14.5.

VIII. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

1. Olivia Anne Martin, R.V.T.

The Board reviewed Ms. Martin's application for licensure by examination. Ms. Martin was previously licensed in the State of Indiana. Her veterinary technician registration has been expired since January 1, 2004. Since her registration has been expired more than five (5) years, she is required to reapply for registration. Ms. Martin is 199 graduate of Columbia State Community College and passed the Veterinary Technology National Examination (VTNE) on January 21, 2000. Ms. Martin has not been licensed in any other state. According to IC 25-38.1-3-13(c): A veterinarian may not renew an expired license, and a registered veterinary technician may not renew and expired registration certificate, after five (5) years have elapsed after the date of the expiration of a license or a registration certificate, but the person may make application for a new license or registration certificate and take the appropriate examinations.

Board action: A motion was made and seconded that Ms. Martin be required to retake the VTNE and law examination prior to consideration for a registration as a veterinary technician.

WALTZ/KOVACH
Motion carried 5-0-0

C. Professional Corporation

There were no professional corporation applications for the Board to review.

IX. RENEWALS

There were no renewals for the Board to review.

X. PROBATIONARY REPORT

A. Christina Ann Fritz, R.V.T.

Ms. Fritz continues to see Ms. Mills and Dr. Buonanno for medication management and counseling on a monthly basis. They feel she does not pose a risk in her profession or in the handling of controlled substances. Ms. Fritz has not found employment as of this date. Her criminal probation will not be completed until the end of the year. Her next probationary appearance is scheduled for the December 1, 2010 meeting of the Board.

XI. CONTINUING EDUCATION

A. Cincinnati Animal Referral & Emergency Center

"Inflammatory Brain Disease"

Cincinnati, OH

August 17, 2010

Hours Granted: 2 Hours for Vets and Vet Techs

"Blocked Cats"

Cincinnati, OH

October 13, 2010

Hours Granted: 1 Hour for Vet Techs

B. Intervet/Schering-Plough Animal Health

"Dairy Education Program"

Toledo, OH

September 23, 2010

Hours Granted: 6 Hours for Vets

C. Paws and Think

"How Animal Abuse Escalates to Human Abuse & How You Can Intervene"

Indianapolis, IN

November 6, 2010

Hours Granted: 4.5 Hours for Vets and Vet Techs

D. Pfizer Animal Health/Dr. Greg Edwards

"Area 42 Next Generation"

Perrysburg, OH

October 15-16, 2010

Hours Granted: 8 Hours for Vets

E. Pfizer Animal Health

"Update of Intranasal Vaccine Technology/Science of a New Vaccine"

Goshen, KY

September 1, 2010

Hours Granted: 1.5 Hours for Vets

“Current Advancements in Equine Lameness”

Columbia City, IN

January 29, 2011

Hours Granted: 8 Hours for Vets

“Practicing Good Pain Control – The Next Level”

Bloomington, IN

Evansville, IN

Michigan City, IN

September 15, 2010

September 21, 2010

October 6, 2010

October 20, 2010

Hours Granted: 1 Hour for Vets and Vet Techs

F. Indianapolis, Veterinary Referral

“Evaluation, Triage and Management of the Surgical Neurologic Patient”

Indianapolis, IN

October 27, 2010

Hours Granted: 1.5 Hours for Vets and Vet Techs

G. Janssen Veterinary Clinic

“Equine Neurologic Emergencies”

Sheridan, IN

October 26, 2010

Hours Granted: 1 Hour for Vets and Vet Techs

Board action: A motion was made and seconded to approve the requested continuing education seminars for Cincinnati Animal Referral & Emergency Center, Intervet/Schering-Plough Animal Health, Paws and Think, Pfizer Animal Health, Indianapolis Veterinary Referral and Janssen Veterinary Clinic.

KOVACH/WALTZ

Motion carried 5-0-0

XII. REPORTS

A. Consumer Complaints – Dr. Waltz

Dr. Waltz reported she has received fourteen (14) complaints for review. She had an informal board meeting with the Attorney General’s office last evening for a complaint from 2008.

C. State Veterinarian’s Report – Dr. Marsh

Dr. Marsh reported the Board of Animal Health is continuing to monitor the Indiana equine population for West Nile virus and encephalitis. There is

going to be a rule proposal before their board on October 14, 2010 for rabies vaccines to be left to the supervising veterinarian's judgment that a registered veterinary technician or veterinary assistant can administer the vaccine. There is an ongoing tuberculosis investigation. BOAH had a call from state of Ohio that there were cattle positive with tuberculosis in a Pennsylvania packing plant and it was traced back to farms in Ohio and Indiana. There is also tuberculosis on dairy farms and beef herds in Eastern Kentucky. They are currently working on animal disease traceability and will be meeting next month to look at electronic tracking certificates. Dr. Marsh also reported equine neglect cases are up in numbers. All ten (10) districts have been involved in neglect cases with the local officials in each district.

XIII. OLD/NEW BUSINESS

- Ms. Vaught discussed the state of the State's budget. Specifically that each agency has been asked to give back 15% of their budget.
- The Board discussed proposed legislation for the 2011 session of background checks for all healthcare workers in Indiana.

XIV. OTHER ITEMS FOR CONSIDERATION

There were no other items for consideration before the Board.


XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:45 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana Board of Veterinary Medical Examiners at 12:45 p.m.

KOVACH/ANDREWS

Motion carried 5-0-0


Richard Headley, D.V.M., Chairman

1/26/11
Date


Patricia Kovach, D.V.M., Vice Chair

1/26/11
Date